

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 25-Aug-05

APPL. S.N.: 09/976,326

ART UNIT: **2612**

TO: EXAMINER JERABEK, KELLY

FROM: Jefferson, Henry
PARALEGAL SPECIALIST

RETURN THIS MEMO TO:

Case Drop-Off Location

JEF-2D68

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 15-Aug-05

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see ¶ 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
- ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶ 14.26 & 14.26.01).
- ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
- ☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).
- ☐ The person who signed the T.D.:
- ☐ is not an attorney “of record” (see ¶¶ 14.29 and 14.29.01).
- ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
- ☐ is not recognized as an officer of the assignee (see ¶¶ 14.29 & possible 14.29.02).
- ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
- ☐ The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).
- ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
- ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶¶ 14.26, 14.27.02 or 14.26.05).
- ☐ The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).
- ☐ Other:
- ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Log Date:


Ex. Initials: _____ Date: _____

Special Program Database, Version 2.1

(Rev. 5/98)

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Application Number 	Application/Control No. 09/976,326	Applicant(s)/Patent under Reexamination MALLOY DESORMEAUX, STEPHEN G.
Document Code - DISQ		Internal Document - DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : August 25, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson



83100RRS
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen G. Malloy Desormeaux

**HYBRID CAMERAS THAT
DOWNLOAD ELECTRONIC IMAGES IN
SELECTED GEOMETRIC FORMATS
AND METHODS**

Serial No. 09/976,326

Filed 12 October 2001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Group Art Unit: 2612

Examiner: Kelly L. Jerabek

I hereby certify that this correspondence is
being deposited today with the United States
Postal Service as first class mail in an
envelope addressed to Commissioner For Patents,
P.O. Box 1450, Alexandria, VA 22313-1450.

Janette Krause
Janette Krause
August 11, 2005
Date

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01 FC:1814 130.00 DA

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

The owner, Eastman Kodak Company of the entire interest in the instant application, hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 09/976,344. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant on the second application, in the event that any patent granted on the second application: expires for failure to pay

a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

☒ The undersigned is an attorney of record. (If this box is not checked do not use this form)

August 11, 2005

Date
Telephone: 585-588-2736
Facsimile: 585-477-1148
RRS/jrk



Roland R. Schindler II
Attorney of Record
Registration No. 40,802

☒ Please charge the fee to Eastman Kodak Company Deposit Account 05-0225. (A duplicate copy of this request is enclosed)